

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
)	

**MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES**

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from January 1, 2011, through June 30, 2011, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The adjudication of non-federal water rights in Sections 3 and 7 continues. I entered an order which commenced the *inter se* proceedings for the Rio Nutrias Subsection of Section 3 (July 1, 2011, No. 10177), and a scheduling and procedural order for hearing objections to the State's proposed

priority dates and irrigation water requirements in the Rio Brazos Subsection of Section 3 (June 3, 2011, No. 10150). Final priority dates were entered for the Tierra Amarilla Subsection of Section 7 (June 7, 2011, No. 10153).

In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding, albeit slowly. My Order entered April 20, 2011 (No. 10059), required the parties to submit either a signed consent order or request a scheduling and procedural conference by June 17. The parties requested further time to complete the consent order process (June 24, 2011, No. 10171).

Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue. To that end, I filed a Special Master Report Recommending Further Proceedings for parties which had not been served with orders to show cause in 1994 (June 6, 2011, No. 10152).

B. Federal and Indian water rights claims

The adjudication of the water rights claims of the Pueblo of Ohkay Owingeh is subject to the Second Amended Scheduling Order on Pueblo Claims (No. 9713), which provides deadlines for discovery matters through June, 2016. Trial is tentatively scheduled for June, 2017.

The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and Scenic River Claims, as amended. The parties are continuing to work on reaching a proposed consent order, and I continue to examine strategies for subsequent *inter se* proceedings.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that

the work of data manager, Karla Bruner, AquaTek, Inc., has been completed as described. Hourly records of work performed are available from the contractor if needed.

Dated: August 17, 2011.

Vickie L. Gabin

SPECIAL MASTER VICKIE L. GABIN